

AMENDED IN ASSEMBLY APRIL 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2522

Introduced by Assembly Member Shelley

February 24, 2000

~~An act to amend Section 29150 of the Vehicle Code, relating to vehicles, and to add Sections 164.57 and 887.5 to the Streets and Highways Code, and to amend Sections 1666, 21950, 21955, 21956, and 42001 of, to add Sections 13349, 21949, 21970, and 42001.17 to, and to repeal and add Section 21953 of, the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as amended, Shelley. ~~Pedestrian—crosswalks~~
~~Vehicles: pedestrians.~~

~~(1) Existing law requires the driver of a vehicle to yield the right-of-way to a pedestrian crossing the roadway in a marked crosswalk or an unmarked crosswalk at an intersection.~~

~~This bill would require a driver of a vehicle approaching a pedestrian within a crosswalk to exercise due care and reduce speed or take appropriate action relating to the operation of the vehicle to avoid frightening and to safeguard pedestrians. Because a violation of this provision would be a crime pursuant to existing provisions of law, this bill would impose a state-mandated local program by changing the definition of a new crime.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs~~

~~mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

(1) Existing law requires the driver of a vehicle to yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as specified.

This bill would make it unlawful for any person to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes the vehicle to collide with a pedestrian or bicyclist in a marked or unmarked crosswalk. The bill would make a violation of this provision punishable by a fine of not less than \$500 and not more than \$5,000, by imprisonment in the county jail for not more than one year, by imprisonment in the state prison for 18 months or one or 2 years, or by both that fine and imprisonment. The bill would impose a state-mandated local program by creating a new crime.

The bill would require the Department of Motor Vehicles to immediately revoke the privilege of any person to drive a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of a violation of the specified provision and would prohibit the department from reinstating that privilege until 3 months have elapsed from the date of revocation and the person whose privilege to drive was revoked provides the department with proof of financial responsibility, as defined.

The bill would require the department to include at least one question in each test of an applicant's knowledge and understanding of the provisions of the Vehicle Code, as administered by the department, to verify that the applicant has read and understands the rights of pedestrians.

The bill would impose a mandatory penalty of \$100 for a first conviction of violating a specified provision that prohibits the driver of a vehicle from overtaking and passing a vehicle that has stopped at a marked or unmarked crosswalk to permit a pedestrian to cross the roadway.

The bill would create the Pedestrian Safety Account in the State Transportation Fund and would make the funds in the account available, upon appropriation by the Legislature, for allocation by the Department of Transportation to local governmental agencies approved for grants to undertake pedestrian safety improvement projects, including projects designed to improve facilities for pedestrians and bicyclists in areas where need has been demonstrated by high pedestrian injuries or fatalities.

The bill would require the Department of Transportation to develop a statewide pedestrian plan and integrate it with the existing bicycle plan to create a California NonMotorized Transportation Plan that would include construction of on-street and off-street bicycle and pedestrian facilities, goals for increasing walking and bicycling and decreasing pedestrian and bicycle fatalities and injuries, and a detailed report on the actions taken to meet these goals.

The bill would require the Department of Transportation to compile detailed annual statistics for pedestrian fatalities and injuries occurring on state-owned highways and include those statistics in an annual report that the bill would require the department to submit to the Legislature.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 21950 of the Vehicle Code is~~
- 2 *SECTION 1. This act shall be known and may be cited*
- 3 *as the Pedestrian Safety Act of 2000.*
- 4 *SEC. 2. The Legislature hereby finds and declares all*
- 5 *of the following:*
- 6 *(a) Pedestrians account for more than 20 percent of all*
- 7 *traffic fatalities in California.*

1 ***(b) Pedestrian fatalities are the second leading cause***
2 ***of accidental death for California children five to twelve***
3 ***years of age.***

4 ***(c) Nearly 5,000 pedestrians are injured every year on***
5 ***California's streets and highways.***

6 ***(d) Pedestrian safety projects currently receive less***
7 ***than one percent of all transportation funding in***
8 ***California.***

9 ***(e) It is in the best interest of the people of the State***
10 ***of California that the Legislature adopt policies that***
11 ***address pedestrian safety and recognize the priority of***
12 ***pedestrian safety projects in overall transportation***
13 ***spending.***

14 ***SEC. 3. Section 164.57 is added to the Streets and***
15 ***Highways Code, to read:***

16 ***164.57. The Pedestrian Safety Account is hereby***
17 ***created in the State Transportation Fund. The funds in***
18 ***the account shall be available, upon appropriation by the***
19 ***Legislature, for allocation by the department to local***
20 ***governmental agencies approved for grants to undertake***
21 ***pedestrian safety improvement projects, including, but***
22 ***not limited to, projects designed to improve facilities for***
23 ***pedestrians and bicyclists in areas where need has been***
24 ***demonstrated by a high rate of pedestrian injuries or***
25 ***fatalities.***

26 ***SEC. 4. Section 887.5 is added to the Streets and***
27 ***Highways Code, to read:***

28 ***887.5. (a) The department shall develop a statewide***
29 ***pedestrian plan and integrate it with the existing bicycle***
30 ***plan to create a California NonMotorized Transportation***
31 ***Plan that shall include, but need not be limited to, all of***
32 ***the following:***

33 ***(1) Construction of on-street and off-street bicycle and***
34 ***pedestrian facilities including, but not limited to, trails***
35 ***and greenways.***

36 ***(2) Goals for increasing walking and bicycling and***
37 ***decreasing pedestrian and bicycle fatalities and injuries,***
38 ***and a detailed report on the actions taken to meet these***
39 ***goals including, but not limited to, an accounting of funds***
40 ***spent exclusively on nonmotorized projects.***

1 (3) A requirement for an annual nonmotorized
2 transportation report to the Legislature.

3 (b) The department shall compile detailed annual
4 statistics for pedestrian fatalities and injuries occurring on
5 state-owned highways. The statistics shall include
6 detailed descriptions of location and severity of incidents
7 by individual highway segment, with an emphasis on
8 state highways that serve as residential streets. The
9 department shall identify the 25 most dangerous highway
10 segments based on pedestrian fatality and injury data and
11 shall recommend and implement pedestrian safety
12 projects intended to reduce pedestrian fatalities and
13 injuries without impeding legal pedestrian traffic flow
14 and existing pedestrian rights-of-way. The pedestrian
15 fatality and injury statistics and recommended actions
16 shall be included in the annual report required under
17 paragraph (3) of subdivision (a).

18 SEC. 5. Section 1666 of the Vehicle Code is amended
19 to read:

20 1666. The department shall do all of the following:

21 (a) Include at least one question in each test of an
22 applicant's knowledge and understanding of the
23 provisions of this code, as administered pursuant to
24 Section 12804 or 12814, to verify that the applicant has
25 read and understands the table of blood alcohol
26 concentration published in the Driver's Handbook made
27 available pursuant to subdivision (b) of Section 1656. In
28 order to minimize costs, the question or questions shall be
29 initially included at the earliest opportunity when the test
30 is otherwise revised or reprinted.

31 (b) Include with each driver's license or certificate of
32 renewal and each vehicle registration renewal mailed by
33 the department, information ~~which~~ that shows with
34 reasonable certainty the amount of alcohol consumption
35 necessary for a person to reach a 0.08 percent blood
36 alcohol concentration by weight.

37 (c) Include at least one question in each test of an
38 applicant's knowledge and understanding of the
39 provisions of this code as administered pursuant to
40 Section 12804 or 12814, to verify that the applicant has

1 *read and understands the rights of pedestrians. In order*
2 *to minimize costs, the question or questions shall be*
3 *initially included at the earliest opportunity when the test*
4 *is otherwise revised or reprinted.*

5 *SEC. 6. Section 13349 is added to the Vehicle Code, to*
6 *read:*

7 *13349. (a) The department shall immediately revoke*
8 *the privilege of any person to drive a motor vehicle upon*
9 *receipt of a duly certified abstract of the record of any*
10 *court showing that the person has been convicted of a*
11 *violation of Section 21953.*

12 *(b) The department may not reinstate the privilege*
13 *revoked under subdivision (a) until both of the following*
14 *have occurred:*

15 *(1) Three months have elapsed from the date of*
16 *revocation.*

17 *(2) The person whose privilege to drive was revoked*
18 *provides the department with proof of financial*
19 *responsibility, as defined in Section 16430.*

20 *SEC. 7. Section 21949 is added to the Vehicle Code, to*
21 *read:*

22 *21949. (a) The Legislature hereby finds and declares*
23 *that it is policy of the State of California that safe and*
24 *convenient pedestrian travel and access, whether by foot,*
25 *wheelchair, walker, or stroller, is a basic civil right that*
26 *should not be denied to any resident of the state.*

27 *(b) In accordance with the policy declared under*
28 *subdivision (a), it is the intent of the Legislature that all*
29 *levels of government in the state, particularly the*
30 *Department of Transportation, do everything feasible to*
31 *provide convenient and safe passage for pedestrians on*
32 *and across all streets and highways, increase levels of*
33 *walking and pedestrian travel, and reduce pedestrian*
34 *fatalities and injuries.*

35 *SEC. 8. Section 21950 of the Vehicle Code is amended*
36 *to read:*

37 *21950. (a) The driver of a vehicle shall yield the*
38 *right-of-way to a pedestrian crossing the roadway within*
39 *any marked crosswalk or within any unmarked crosswalk*

1 at an intersection, except as otherwise provided in this
2 chapter.

3 ~~(b) The provisions of this~~ *This section shall does not*
4 *relieve a pedestrian from the duty of using due care for*
5 *his or her safety. No pedestrian shall may suddenly leave*
6 *a curb or other place of safety and walk or run into the*
7 *path of a vehicle which that is so close as to constitute an*
8 *immediate hazard. No pedestrian shall may unnecessarily*
9 *stop or delay traffic while in a marked or unmarked*
10 *crosswalk.*

11 ~~(c) The provisions of subdivision~~ *driver of a vehicle*
12 *approaching a pedestrian within any marked or*
13 *unmarked crosswalk shall exercise all due care and shall*
14 *reduce the speed of the vehicle or take any other action*
15 *relating to the operation of the vehicle as necessary to*
16 *safeguard the safety of the pedestrian.*

17 ~~(d) Subdivision (b) shall~~ *does not* relieve a driver of a
18 vehicle from the duty of exercising due care for the safety
19 of any pedestrian within any marked crosswalk or within
20 any unmarked crosswalk at an intersection.

21 ~~(e) For the purposes of this section, a person shall be~~
22 *considered to be within a marked crosswalk if that person*
23 *is within 3 feet of the marking nearest the person.*

24 *SEC. 9. Section 21953 of the Vehicle Code is repealed.*

25 ~~21953. Whenever any pedestrian crosses a roadway~~
26 ~~other than by means of a pedestrian tunnel or overhead~~
27 ~~pedestrian crossing, if a pedestrian tunnel or overhead~~
28 ~~crossing serves the place where the pedestrian is crossing~~
29 ~~the roadway, such pedestrian shall yield the right-of-way~~
30 ~~to all vehicles on the highway so near as to constitute an~~
31 ~~immediate hazard.~~

32 ~~This section shall not be construed to mean that a~~
33 ~~marked crosswalk, with or without a signal device, cannot~~
34 ~~be installed where a pedestrian tunnel or overhead~~
35 ~~crossing exists.~~

36 *SEC. 10. Section 21953 is added to the Vehicle Code,*
37 *to read:*

38 *21953. (a) It is unlawful for any person to drive a*
39 *vehicle and concurrently do any act forbidden by law, or*
40 *neglect any duty imposed by law in driving the vehicle,*

1 *which act or neglect proximately causes the vehicle to*
2 *collide with a pedestrian or bicyclist in a marked or*
3 *unmarked crosswalk.*

4 *(b) A violation of subdivision (a) is punishable by a*
5 *fine of not less than five hundred dollars (\$500) and not*
6 *more than five thousand dollars (\$5,000), by*
7 *imprisonment in the county jail for not more than one*
8 *year, by imprisonment in the state prison for 18 months*
9 *or one or two years, or by both that fine and*
10 *imprisonment.*

11 *SEC. 11. Section 21955 of the Vehicle Code is*
12 *amended to read:*

13 *21955. Between adjacent intersections controlled by*
14 *traffic control signal devices or by police officers,*
15 *pedestrians shall may not cross the roadway at any place*
16 *except in a crosswalk, unless the distance between the*
17 *adjacent intersections is more than one-quarter mile.*

18 *SEC. 12. Section 21956 of the Vehicle Code is*
19 *amended to read:*

20 *21956. (a) No pedestrian shall may walk upon any*
21 *roadway outside of a business or residence district*
22 *otherwise than close to his left-hand edge of the roadway.*

23 *(b) A pedestrian may walk close to his or her*
24 *right-hand edge of the roadway if a crosswalk or other*
25 *means of safely crossing the roadway is not available or if*
26 *existing traffic or other conditions would compromise the*
27 *safety of a pedestrian attempting to cross the road. This*
28 *subdivision may not be construed to prohibit a pedestrian*
29 *from walking on the right hand side of a roadway if a*
30 *facility such as a sidewalk, pathway, or shoulder is*
31 *available.*

32 *SEC. 13. Section 21970 is added to the Vehicle Code,*
33 *to read:*

34 *21970. No person may stop a vehicle in a manner that*
35 *causes the vehicle to block a marked or unmarked*
36 *crosswalk without leaving a minimum clearance of five*
37 *feet for safe and adequate passage by pedestrians or*
38 *wheelchairs.*

39 *SEC. 14. Section 42001 of the Vehicle Code is*
40 *amended to read:*

1 42001. (a) Except as provided in Section 42000.5,
2 42001.1, 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9,
3 42001.11, 42001.12, 42001.14, 42001.15, ~~or Section 42001.16,~~
4 *or subdivision (a) of 42001.17*, or subdivision (b) or (c) of
5 this section, or Article 2 (commencing with Section
6 42030), every person convicted of an infraction for a
7 violation of this code or of any local ordinance adopted
8 pursuant to this code shall be punished as follows:

9 (1) By a fine not exceeding one hundred dollars
10 (\$100).

11 (2) For a second infraction occurring within one year
12 of a prior infraction which resulted in a conviction, a fine
13 not exceeding two hundred dollars (\$200).

14 (3) For a third or any subsequent infraction occurring
15 within one year of two or more prior infractions which
16 resulted in convictions, a fine not exceeding two hundred
17 fifty dollars (\$250).

18 (b) Every person convicted of a misdemeanor
19 violation of Section 2800, 2801, or 2803, insofar as they
20 affect failure to stop and submit to inspection of
21 equipment or for an unsafe condition endangering any
22 person, shall be punished as follows:

23 (1) By a fine not exceeding fifty dollars (\$50) or
24 imprisonment in the county jail not exceeding five days.

25 (2) For a second conviction within a period of one
26 year, a fine not exceeding one hundred dollars (\$100) or
27 imprisonment in the county jail not exceeding 10 days, or
28 both that fine and imprisonment.

29 (3) For a third or any subsequent conviction within a
30 period of one year, a fine not exceeding five hundred
31 dollars (\$500) or imprisonment in the county jail not
32 exceeding six months, or both that fine and
33 imprisonment.

34 (c) A pedestrian convicted of an infraction for a
35 violation of this code or any local ordinance adopted
36 pursuant to this code shall be punished by a fine not
37 exceeding fifty dollars (\$50).

38 (d) Notwithstanding any other provision of law, any
39 local public entity that employs peace officers, as
40 designated under Chapter 4.5 (commencing with Section

1 830) of Title 3 of Part 2 of the Penal Code, the California
2 State University, and the University of California may, by
3 ordinance or resolution, establish a schedule of fines
4 applicable to infractions committed by bicyclists within
5 its jurisdiction. Any fine, including all penalty assessments
6 and court costs, established pursuant to this subdivision
7 shall not exceed the maximum fine, including penalty
8 assessment and court costs, otherwise authorized by this
9 code for that violation. If a bicycle fine schedule is
10 adopted, it shall be used by the courts having jurisdiction
11 over the area within which the ordinance or resolution is
12 applicable instead of the fines, including penalty
13 assessments and court costs, otherwise applicable under
14 this code.

15 *SEC. 15. Section 42001.17 is added to the Vehicle*
16 *Code, to read:*

17 *42001.17. Notwithstanding any other provision of law,*
18 *every person convicted of an infraction for a violation of*
19 *Section 21951 shall be punished as follows:*

20 *(a) For the first infraction, by a fine of one hundred*
21 *dollars (\$100).*

22 *(b) For a second infraction for a violation of Section*
23 *21951 occurring within one year of a prior infraction of*
24 *violating of that section that resulted in a conviction, by*
25 *a fine not exceeding two hundred dollars (\$200), as*
26 *provided in paragraph (2) of subdivision (a) of Section*
27 *42001.*

28 *(c) For a third or any subsequent infraction for a*
29 *violation of Section 21951 occurring within one year of*
30 *two or more prior infractions of violating that section that*
31 *resulted in convictions, by a fine not exceeding two*
32 *hundred fifty dollars (\$250), as provided in paragraph (3)*
33 *of subdivision (a) of Section 42001.*

34 *SEC. 16. No reimbursement is required by this act*
35 *pursuant to Section 6 of Article XIII B of the California*
36 *Constitution because the only costs that may be incurred*
37 *by a local agency or school district will be incurred*
38 *because this act creates a new crime or infraction,*
39 *eliminates a crime or infraction, or changes the penalty*
40 *for a crime or infraction, within the meaning of Section*

1 *17556 of the Government Code, or changes the definition*
2 *of a crime within the meaning of Section 6 of Article*
3 *XIII B of the California Constitution.*

4 ~~amended to read:~~

5 ~~21950. (a) The driver of a vehicle shall yield the~~
6 ~~right of way to a pedestrian crossing the roadway within~~
7 ~~any marked crosswalk or within any unmarked crosswalk~~
8 ~~at an intersection, except as otherwise provided in this~~
9 ~~chapter.~~

10 ~~(b) This section shall not relieve a pedestrian from the~~
11 ~~duty of using due care for his or her safety. No pedestrian~~
12 ~~shall suddenly leave a curb or other place of safety and~~
13 ~~walk or run into the path of a vehicle which is so close as~~
14 ~~to constitute an immediate hazard. No pedestrian shall~~
15 ~~unnecessarily stop or delay traffic while in a marked or~~
16 ~~unmarked crosswalk.~~

17 ~~(c) The driver of any vehicle approaching a pedestrian~~
18 ~~within any marked crosswalk or unmarked crosswalk~~
19 ~~shall exercise all due care and shall reduce speed or take~~
20 ~~other action relating to the operation of the vehicle as~~
21 ~~necessary to avoid frightening the pedestrian and to~~
22 ~~safeguard all pedestrians.~~

23 ~~(d) Subdivision (b) shall not relieve a driver of a~~
24 ~~vehicle from the duty of exercising due care for the safety~~
25 ~~of any pedestrian within any marked crosswalk or within~~
26 ~~any unmarked crosswalk at an intersection.~~

27 ~~SEC. 2. No reimbursement is required by this act~~
28 ~~pursuant to Section 6 of Article XIII B of the California~~
29 ~~Constitution because the only costs that may be incurred~~
30 ~~by a local agency or school district will be incurred~~
31 ~~because this act creates a new crime or infraction,~~
32 ~~eliminates a crime or infraction, or changes the penalty~~
33 ~~for a crime or infraction, within the meaning of Section~~
34 ~~17556 of the Government Code, or changes the definition~~
35 ~~of a crime within the meaning of Section 6 of Article~~
36 ~~XIII B of the California Constitution.~~